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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Center for Biological Diversity, *et. al.*,

Plaintiffs,

v.

Kristi Noem, in her official
Capacity as Secretary of Homeland
Security, *et al.*,

Defendants.

4:25-cv-00365-AMM-TUC

**MOTION TO CONTINUE STAY OF
DEFENDANTS' REPLY DEADLINE IN
LIGHT OF LAPSE OF
APPROPRIATIONS**

Defendants Kristi Noem, U.S. Department of Homeland Security, and U.S. Customs and Border Protection hereby move for a continuance of the stay of Defendants' Reply deadline in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed.

1 2. Absent an appropriation, Department of Justice attorneys are prohibited
2 from working, even on a voluntary basis, except in very limited circumstances, including
3 “emergencies involving the safety of human life or the protection of property.” 31 U.S.C.
4 § 1342.
5

6 3. On October 6, 2025, this Court granted a stay of the Defendants’ reply
7 deadline to file a memorandum in support of their motion for summary judgment until
8 Congress restored appropriations to the Department. ECF No. 26. The Court further
9 instructed Defendants to move for a continuance of the stay should appropriations remain
10 lapsed on October 31, 2025. *Id.* Undersigned counsel for the Department of Justice
11 therefore requests a continuance of the stay of Defendants’ deadline to file a reply
12 memorandum.
13
14

15 4. If this continuance of the stay is granted, undersigned counsel will notify
16 the Court as soon as Congress has appropriated funds for the Department. The
17 Government requests that, at that point, all current deadlines for the parties be extended
18 commensurate with the duration of the lapse in appropriations – i.e., each deadline would
19 be extended by the total number of days of the lapse in appropriations.
20

21 Therefore, although we greatly regret any disruption caused to the Court and the
22 other litigants, the Government hereby moves for a continuance of the stay of Defendants’
23 Reply deadline in this case until Department of Justice attorneys are permitted to resume
24 their usual civil litigation functions.
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1 Dated: November 3, 2025

Respectfully submitted,

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4 Assistant Attorney General

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6 Assistant Branch Director

7 /s/ Alexander J. Yun
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